UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

21003   7590   05/28/2010

BAKER BOTTS L.L.P.
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NEW YORK, NY 10112-4498

EXAMINER
KAMAL, SHAHID

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/28/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,177	01/29/2007	Arthur D. Kranzley	070457.2081	1386

TITLE OF INVENTION: SYSTEMS AND METHODS FOR CONDUCTING SECURE PAYMENT TRANSACTIONS USING A FORMATTED DATA STRUCTURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	08/30/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)	Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

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nonprovisional	NO	$1510	$300	$0	$1810	08/30/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KAMAL, SHAHID	3714	705-044000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) :   ☐ Individual   ☐ Corporation or other private group entity   ☐ Government

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 100 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 100 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/560,177	KRANZLEY ET AL.
	Examiner	Art Unit	
	SHAHID KAMAL	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *02/18/2010*.

2. ☒ The allowed claim(s) is/are *1-3, 5-12, 14-18 and 20-22*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date *04/22/2010*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/Pierre E. Elisca/
Primary Examiner, Art Unit 3714

DETAILED ACTION

Acknowledgements

1.   Applicant's amendment filed on February 18, 2010 is acknowledged. Accordingly,

claims 1-3, 5-12, 14-18 and 20-22 remain pending and have been allowed.

Examiner's Amendment

2.   An Examiner's amendment to the record appears below. Should the changes and/or

additions by unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R.

§1.312. To ensure consideration of such amendment, it must be submitted no later than the

payment of the issue fee.

3.   Authorization for this Examiner's amendment was given in a telephonic communication

with Robert Maier (Registration No. 54,291) on or about May 21, 2010.

4.   The application has been amended as follows:

<u>Listing of Claims</u>

1.   (Currently Amended) A system for authenticating a cardholder transaction with a

merchant on an electronic network, the system comprising:

an issuer platform layer including at least one 3-D Secure authentication program;

a merchant plug-in (MPI);

an secure payment algorithm (SPA); and

and a data transport layer, wherein the issuer platform comprises an access control server

(ACS) that uses the SPA to process transaction and cardholder information for authentication by

an authentication method and to generate an Accountholder Authentication Value (AAV) and

conveys the AAV through the data transport layer to the MPI, wherein the AAV is a formatted

data structure compatible with 3-D Secure message protocols, wherein the formatted data

structure has a length of at most 20-bytes including bytes that identify a hash of the merchant's

name, bytes that identify the ACS, bytes that identify the authentication method, bytes that

identify secret cryptographic keys and bytes that include a merchant authentication code (MAC),

wherein the SPA comprises an encryption algorithm for generating the MAC, wherein

the encryption algorithm uses a pair of secret keys A and B that are identified in the AAV to

encrypt a concatenation of the card holder's account number, card expiration date and service

code to generate a three-digit CVC2 field, and uses the result to populate two bytes of the MAC.

2.   (Previously Presented) The system of claim 1 wherein the AAV is a formatted data

structure that is Base 64 encoded.

3.   (Previously Presented) The system of claim 1, wherein the SPA comprises an encryption

algorithm for generating the MAC, wherein the encryption algorithm uses a secret key identified

in the AAV to encrypt a concatenation of the card holder's account number and a plurality of the

fields of the bytes of the AAV excluding bytes that represent the MAC, and wherein a portion of

the encryption result forms the MAC bytes in the AAV.

4.   (Canceled)

5.   (Previously Presented) The system of claim 4 wherein the pair of secret keys A and B are

64-bit Data Encryption Standard (DES) keys.

6.   (Previously Presented) The system of claim 1 wherein the ACS is configured to generate

an AAV in response to a payment authentication request message from the MPI to the ACS.

7.   (Previously Presented) The system of claim 1, which is configured to transport the AAV

in a payment authentication response message from the ACS.

8.   (Previously Presented) The system of claim 7 wherein the ACS is further configured to

place a digital signature on the payment authentication response message.

9.   (Previously Presented) The system of claim 1 wherein the MPI is configured to verify the

digital signature on a received payment authentication response message.

10.   (Previously Presented) The system of claim 1 wherein the MPI is configured to extract

the MAC fields included in a payment authentication response message from the ACS and to

place the extracted MAC in a payment authorization request message to a third party.

11.   (Currently Amended) A data structure for conveying cardholder transaction

authentication information amongst stakeholders in a 3-D Secure environment, the data structure

comprising 20 bytes of Base 64 encoded characters, wherein the first byte is a control byte, bytes

2-9 represent a hash of a merchant name, byte 10 identifies an Access control server (ACS) that

authenticates the cardholder transaction by an authentication method, byte 11 identifies the

authentication method and the secret encryption keys that are used by the ACS to generate a

Merchant Authentication Code (MAC), bytes 12-15 represent a transaction sequence number

identifying a transaction number processed by the ACS, and bytes 16-20 represent the MAC,

<u>wherein the MAC comprises portions of an encryption of a concatenation of the card</u>

<u>holder's account number, card expiration date and service code, and wherein a pair of keys A and</u>

<u>B that are identified in byte 11 is used for encryption..</u>

12.   (Previously Presented) The data structure of claim 11 wherein the MAC comprises

portions of an encryption of a concatenation of the card holder's account number and a plurality

of the fields of bytes 1-15 of the data structure, and wherein a single key identified in byte 11 is

used for encryption.

13.   (Canceled)

14.   (Previously Presented) The data structure of claim 13 wherein a three-digit encryption

result is used to populate two bytes of the MAC bytes 16-20.

15.   (Previously Presented) The data structure of claim 13 wherein the pair of secret keys A

and B are 64 bit Data Encryption Standard (DES) keys.

16.   (Currently Amended) A method for authenticating a cardholder transaction with a

merchant on an electronic network in an 3-D Secure environment, the method comprising:

using an Access control server (ACS) to process cardholder and transaction information

to authenticate the cardholder by an authentication method;

deploying a secure payment algorithm (SPA) to generate an Accountholder

Authentication Value (AAV) to represent the authentication results, and transporting the AAV in

3-D Secure messages to the merchant, wherein the AAV is a formatted data structure that has a

length of at most 20 bytes, including bytes that identify a hash of the merchant's name, bytes that

identify the ACS, bytes that identify the authentication method, bytes that include a merchant

authentication code (MAC), and bytes that identify secret cryptographic keys that are used by the

SPA to generate MAC,

> wherein deploying a SPA comprises:

>> using a pair of pair secret keys A and B that are identified in the AAV to encrypt a

concatenation of the card holder's account number, card expiration date and service code to

generate a three-digit CVC2 field; and

>> assigning the result to populate two bytes of the MAC.

17.   (Previously Presented) The method of claim 16 wherein the AAV is a formatted data

structure that is Base 64 encoded.

18.   (Previously Presented) The method of claim 16 wherein deploying a SPA comprises:

using a secret key identified in the AAV to encrypt a concatenation of the card holder's

account number and at least portions of the bytes of the AAV excluding bytes that represent the

MAC; and

assigning a portion of the encryption result to the MAC bytes in the AAV.

19.   (Canceled)

20.   (Previously Presented) The method of claim 17 wherein the pair of secret keys A and B

are 64 bit Data Encryption Standard (DES) keys.

21.   (Previously Presented) The method of claim 16 wherein transporting the AAV in 3-D

Secure messages to the merchant comprises transporting the AAV in a payment authentication

response message that is digitally signed by the ACS.

22.   (Previously Presented) The method of claim 21, further comprising:

        first, verification by the merchant of the digital signature on a received payment

authentication response message; and

        next, extraction of the MAC fields from the received payment authentication response

message by the merchant.

                                    Reasons for Allowance

5.   The following is an examiner's statement of reasons for allowance:

6.   Regarding the claimed terms, the Examiner notes that a "general term must be understood

in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d

1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found

on pages 1-23 of the specification. Clearly almost all the general terms in the claims may have

multiple meanings. So where a claim term "is susceptible to various meanings, . . . the

inventor's lexicography must prevail . . . ." *Id.* Using these definitions for the claims, the

claimed invention was not reasonably found in the prior art.

7.   This application is regarding A formatted data structure is provided for conveying the

results of ecommerce authentication programs that are used to authenticate a cardholder's on-line

transactions. The data structure, which has at most a 20-byte length, is designed to be compatible

with 3-D Secure message protocols used in e-commerce. The data structure includes designated

fields that include a hash of the merchant's name, identify an authentication service provider,

identify the authentication method used, and include a merchant authentication code which ties

cardholder information to the transaction. Secure payment algorithms are provided for use by the

e-commerce authentication programs to generate authentication results in the desired format. In

one secure payment algorithm, a secret key is used to encrypt a concatenation of a cardholder

account number with information from designated fields of the data structure. In another secure

payment algorithm, a pair of secret keys is used to encrypt a concatenation of the cardholder's

account number, card expiration date and service code. In both cases, portions of the encryption

results are used to define the merchant authentication code.

8.   The closest prior art is by Hogan et al. (US Patent No. 6,915,279 B2). Hogan teaches that

an issuer platform layer including at least one 3-D Secure authentication program; a secure

payment algorithm (SPA).

9.   The second closest prior art is by Dominguez et al. (US Pub. No.: 2003/0200184 A1).

Dominguez teaches that a merchant plug-in (MPI; a data transport layer, wherein the issuer

platform comprises an access control server (ACS) that uses the SPA to process transaction and

cardholder information for authentication by an authentication method and to generate an

Accountholder Authentication Value (AAV) and conveys the AAV through the data transport

layer to the MPI, wherein the AAV is a formatted data structure compatible with 3-D Secure

message protocols, wherein the formatted data structure has a length of at most 20-bytes

including bytes that identify a hash of the merchant's name, bytes that identify the ACS, bytes

that identify the authentication method, bytes that identify secret cryptographic keys and bytes

that include a merchant authentication code (MAC).

10.   However, the Hogan/ Dominguez combination fails to teach the aspect of "wherein the

SPA comprises an encryption algorithm for generating the MAC, wherein the encryption

algorithm uses a pair of secret keys A and B that are identified in the AAV to encrypt a

concatenation of the card holder's account number, card expiration date and service code to

generate a three-digit CVC2 field, and uses the result to populate two bytes of the MAC".

11.   Yet even if the missing claimed elements were found in a reasonable number of

references, a person of ordinary skill in the art at the time the invention was made would not

have been motivated to include these missing elements in an embodiment in Walker disclosure

because: all of the above mention reference is directed toward for a cryptographically assisted

commercial network system designed to facilitate buyer-driven conditional purchase offers.

12.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The

Examiner can normally be reached on Mon-Thursday 8:30 AM- 7:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR

CANADA) or 571-272-1000.

/Shahid Kamal/
Examiner, Art Unit 3714

/Pierre E. Elisca/
Primary Examiner, Art Unit 3714